IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 8194 of 2004(A)

PETITIONERS:

1. THE MANAGING DIRECTOR,
KERALA TOURISM DEVELOPMENT CORPORATION LTD.,
MUSCOT SQUARE, THIRUVANANTHAPURAM.

2. THE MANAGER,
HOTEL MALABAR MANSION, CORNER, K.T.D.C.,KOZHIKODE.

BY ADV. SRI.B.GOPAKUMAR, SC, K.T.D.C.

RESPONDENTS:

1. N.DEVARAJAN,
NADUKANDI HOUSE, P.O. VENGERI, CALICUT-10.

2. DEPUTY LABOUR COMMISSIONER AND THE
AUTHORITY UNDER THE MINIMUM WAGES ACT, 1948,
KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SMT.SANIKA.V.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the order in MCP No.8/96 dated 21.11.2003

Ext.P2: True copy of the application dated 26.9.96.

Ext.P3: True copy of the counter statement dated 23.3.1997.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

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W.P.(C)NO.8194 OF 2004

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Dated this the 2nd day of April 2007

JUDGMENT

Ext.P1 order passed under the provisions of the Minimum Wages Act is under challenge. In the nature of the order I propose to pass, it is not necessary to go into the merits of the case. One of the contentions taken by the petitioners is that the first respondent in any case has not approached the second respondent within the permitted time, six months as required under Section 20(2) of the Act and hence Ext.P2 application should have been rejected at the threshold. This crucial contention is not considered by the second respondent.

2. Therefore, without expressing the opinion as to the merits of the case, I quash Ext.P1 and direct the second respondent to consider Ext.P2 afresh as to whether the first respondent had moved the authority within the mandatorily required time. Fresh orders as above, with notice to the parties, shall be passed within a period of four months from the date of production of a copy of this judgment.

Writ petition is disposed of.

KURIAN JOSEPH, JUDGE

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